

PROCESSING DONATIONS OF NON-STANDARDIZED COMMEMORATIVE WORKS AND CARILLONS

1. REASON FOR ISSUE: This is a new handbook that replaces parts of the National Cemetery Administration (NCA) Handbook 3160/1, Gifts and Donations Procedures at the Department of Veterans Affairs (VA) national cemeteries. This handbook establishes the procedures and responsibilities related to processing donations of non-standardized commemorative works (NSCW) and carillons.

2. SUMMARY OF CONTENTS:

a. This handbook replaces previously issued guidance, updates procedures, and defines duties for Cemetery Directors, District Executive Directors, and NCA central office staff regarding the proposal, installation, approval, and reporting of donations of NSCWs and carillons for placement in VA national cemeteries.

b. This handbook clarifies procedures for developing and deciding donations and gifts valued at, above, and below the newly designated \$10,000 threshold, which may require higher level approval or donor vetting for non-governmental organizations (NGO).

c. This handbook specifies that acceptance of NSCWs and carillons will be aligned with VA burial eligibility criteria to ensure commemoration of those eligible for burial in VA national cemeteries.

3. RESPONSIBLE OFFICE: NCA Office of Cemetery Operations, 810 Vermont Avenue, NW, Washington, DC 20420, is responsible for the contents of this handbook. Please refer questions about this handbook to the Executive Director of the Office of Cemetery Operations.

4. RELATED PUBLICATIONS:

a. NCA Directive 3160, Gifts and Donations to VA National Cemeteries (December 14, 2018);

b. NCA Handbook 3160.01, Donations of Monetary or In-kind Gifts or Items of Personal Property (December 14, 2018);

c. NCA Handbook 3160.02, Processing Donations of Standardized Memorial Monuments, Plaques, Benches and Trees; Fallen Soldier Displays (January 15, 2019);

d. VA Directive 0008, Developing Public-Private Partnerships with, and Accepting Gifts from, Non-Governmental Organizations (May 29, 2015); and,

e. Section 3.14, Carillons, M40-2, National Cemeteries – Administration, Operations and Maintenance (May 1, 1984).

5. RESCISSION: Sections 3.13, Gifts and Donations, M40-2, National Cemeteries – Administration, Operations and Maintenance (May 1, 1984).

6. RECERTIFICATION: This publication is scheduled for recertification on January 31, 2024.

/s/ Ronald E. Walters
Principal Deputy Under Secretary for Memorial Affairs

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AND CARILLONS**

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SECTION I – GENERAL GIFT AND DONATION INFORMATION

1. PURPOSE

a. This handbook establishes procedures for the NCA review and approval of proposed donations of non-standardized commemorative works (NSCW) and carillons. It provides updated definitions, responsibilities, and procedural guidance in the appendices for use by NCA employees.

b. This handbook includes instructions for implementing the new Department of Veterans Affairs (VA) policy on donor vetting as it relates to public-private partnerships with non-governmental organizations (NGO).

c. This handbook instructs employees on how to assist interested donor groups and organizations with developing or revising proposals to donate NSCWs and carillons that comply with NCA design and other criteria. Where applicable, appendices will be referenced that provide additional information about required filings and other items.

d. The statutory authorities for policies contained in this handbook are found in sections 2403 and 2407 of title 38 United States Code (U.S.C.). Implementing regulations are published in section 38.603 of title 38, Code of Federal Regulations.

2. BACKGROUND

a. Generally, NCA is authorized to accept gifts and donations that are beneficial to a national cemetery or made for the purpose of beautifying national cemeteries. Such gifts may include NSCWs and carillons. In 2016, VA authorized the Under Secretary of Memorial Affairs (USMA), or USMA's designee, to solicit gifts and donations. The USMA may also authorize use of his or her name, the name the USMA's designee, the name of the Secretary, or the name of the Department of Veterans Affairs by an individual or organization in any campaign or drive for donation of money or articles to VA for beautifying, or for the benefit of one or more national cemeteries.

b. NCA strongly supports the use of standardized memorial monuments (SMM) and plaques that are placed along standardized memorial walkways or in other areas purposefully designated for their common display. Through the acceptance of SMMs, NCA can balance its priority interment mission while still allowing donors to recognize military service of groups and organizations. NCA designs its newest cemeteries with standardized memorial walkways and areas as part of the Cemetery Master Plan in accordance with successful design principles and has designed an approval process that allows donors to achieve their commemorative intent. Additionally, NCA will not require an endowment for SMMs. When contemplating acceptance of a NSCW, NCA leaders should consider whether a SMM would achieve the same commemorative intent.

c. NSCWs and carillons are substantial, permanent structures requiring USMA approval and therefore increased diligence and detail in the review process. The Office of Cemetery Operations coordinates the review process among multiple NCA offices, to

include Cemetery Directors, District Executive Directors, NCA Historians, Design and Construction Service (DCS), and, ultimately NCA approving officials. NCA staff will review whether the non-standardized commemorative work (NSCW) or carillon proposal and design meet the requirements in accordance with the processes in this handbook, including additional requirements not originally contemplated by the donor (e.g. the design and construction historical architect would advise on historical preservation aspects and the need to work with the SHPO).

d. The USMA must approve both the conceptual donation proposal and the design before construction may begin.

3. DEFINITIONS

a. Architect/Engineer (A/E): The registered professional architect, landscape architect, or engineer responsible for the design and structural adequacy of the foundation of a NSCW or carillon.

b. Carillon: A set of bells in a tower, played using a keyboard or an automated mechanism.

c. Conceptual Design: Graphical representation of the idea or vision for the NSCW or carillon that provides all of the information needed for review and a decision regarding acceptance of the donation.

d. Construction Documents (CD): Complete drawings, specifications, and other documents (e.g. final cost estimate and construction schedule) necessary for project construction that are consistent with the approved Design Development (DD) phase documents. The purpose of the CD is to allow a final review of the documents and confirm compliance with the prior review comments.

e. Construction Monitor: (CM): The person responsible in NCA, or contracted by NCA, to monitor the construction progress and conduct the final inspection during construction of a NSCWs or carillon.

f. Design Development (DD): The phase to produce design documents based on the final approved schematic design (SD) phase documents that increases the level of detail for all aspects of the project and refines the visualization of the project to communicate the character of the spaces and memorial features. Submissions at this stage must show coordination of trades, clarity of scope and design intent, and confirm that the design is on budget.

g. Donor: A group or organization that presents NCA with the gift of a NSCW or carillon for placement in a national cemetery. Acceptable donors may include but are not limited to:

(i) An organization whose purposes, objectives and teachings, as exemplified by their constitution, bylaws and activities are primarily honoring, supporting, or celebrating the U.S. Armed Forces, Veterans, and Servicemembers. The primary objective of such

an organization should be to honor and recognize military service and have thus acquired a distinctive patriotic character and purpose.

(ii) A government (federal, state and local) or non-governmental organization (NGO), if the potential partner is a credible organization both programmatically and organizationally.

h. Fallen Soldier Display (also referred to as the battlefield cross): Any physical, three-dimensional replica or depiction incorporated into the design of a non-standardized commemorative work that features a helmet, boots, dog tags, and rifle.

i. Maintenance Endowment: A specified amount of money provided by a donor to fund future maintenance and repairs of a non-standardized commemorative work or carillon.

j. Memorial walkway, path, or trail: An area within a national cemetery that is separate and distinct from interment areas, and is designed to accommodate the collective display of standardized memorial monuments and memorial plaques.

k. Non-Standardized Commemorative Work (NSCW): A statue, sculpture, plaque, structure, landscape feature, or monument that is substantial in nature, outside of the specified parameters of size of a standardized memorial monument, and designed to perpetuate the memory of a branch or major unit of the U.S. Armed Forces or similar group, a war or similar major military conflict, a significant event related to a war or conflict, or another significant element of American military history.

l. Offer to Donate Improvements to Real Property (OTD): A legal agreement describing a bilateral agreement between VA and the donor for a NSCW or carillon. It includes a description of the item and requirements for escrow accounts, liability insurance, maintenance endowment, easements for construction, etc. The OTD creates a platform for a clear understanding of each party's commitments/purpose and sets out expectations for responses in the event of intentional or unintentional breach of those commitments.

m. Proposal: The submission of offer to donate a NSCW or carillon that provides all of the information NCA needs to render a decision on the acceptance of the donation.

n. Schematic Design (SD): The phase to further develop design documents from the concept approved by VA in the proposal phase. The purpose of the SD is to validate that the project goals and parameters are reflected in the design, and that it meets the stated commemorative intent.

o. Section 106, National Historic Preservation Act consultation: State and Tribal consultation required when a federal agency's undertaking may affect historic properties.

p. State Historic or Tribal Preservation Office (SHPO/TPO): The official historic preservation agency that carries out many responsibilities in historic preservation, such

as surveying, evaluating, and nominating significant historic buildings, sites, structures, districts, and objects to the National Register.

4. SCOPE

a. This handbook outlines the procedures and criteria NCA staff and leadership must follow in reviewing and deciding gifts and donations of NSCWs and carillons. This handbook also covers gifts and donations solicited by the USMA or designee, or the Secretary of the Department of Veterans Affairs.

b. This handbook references actions to vet donors under VA Directive 0008, Developing Public-Private Partnerships with, and Accepting Gifts from, Non-Governmental Organizations (May 29, 2015).

c. The information in this handbook applies to donation requests received on or after the certification date. Also, the information in this handbook is consistent with other NCA policies and, where applicable, VA policies.

5. REFERENCES

- a. 38 U.S.C. § 2403, Memorial areas.
- b. 38 U.S.C. § 2407, Authority to accept and maintain suitable memorials.
- c. 38 C.F.R. § 38.603, Gifts and donations.
- d. NCA Notice 2006-03, Reporting Memorials in VA National Cemeteries (May 1, 2006).
- e. VA Directive 0008, Developing Public-Private Partnerships with, and Accepting Gifts to VA from, Non-Governmental Organizations (May 29, 2015).
- f. NCA Directive 3160, Gifts and Donations to VA National Cemeteries (December 14, 2018);
- g. NCA Handbook 3160.01, Donations of Monetary or In-kind Gifts or Items of Personal Property (December 14, 2018).
- h. NCA Handbook 3160.02, Processing Donations of Standardized Memorial Monuments, Plaques, Benches and Trees; Fallen Soldier Displays (January 15, 2019);

SECTION II – INITIAL REVIEW OF DONOR AND DONATION PROPOSALS

1. Receiving gift and donation offers. Any NCA employee may receive offers of monetary donations, personal property, in-kind goods and services, and land. For donations and gifts valued at or above ten thousand dollars (\$10,000), including those solicited by the USMA or on behalf of VA, NCA must first determine whether a donor meets the requirements under VA Directive 0008, Developing Public-Private Partnerships with, and Accepting Gifts from, Non-Governmental Organizations (May 29, 2015). VA's directive applies to offers of gifts or donations, which means any property, item, service, or funds, from non-governmental organizations (NGO), not individuals.

NCA will not require donor vetting for offered donations valued under \$10,000. Upon receipt of any written gift or donation offer at or above the \$10,000 threshold, the NCA point of contact (POC) or the appropriate Cemetery Director will:

a. Provide to potential donors the "Options for Gifts and Donations to VA National Cemeteries" (Appendix A) to inform donors of items NCA may accept as a gift and general development requirements.

(1) For example, if the donor is offering a non-standardized commemorative work or carillon, the POC or Cemetery Director may provide the donor with the checklist from Appendix D of this handbook and inform the donor of the vetting process in paragraph (b) of this handbook.

b. Inform potential donors in writing that NCA must first determine whether the donor meets VA requirements for gift acceptance, and obtain information about the donor and the intended donation or gift for vetting purposes. See Appendix B to develop donation offers from non-governmental organizations (NGO) valued at or above \$10,000 for vetting purposes.

c. Request a determination from the Executive Director, Office of Engagement and Memorial Innovations (OEMI), who is responsible for vetting potential donors in accordance with requirements in VA Directive 0008 - Developing Public-Private Partnerships with, and Accepting Gifts from, Non-Governmental Organizations (May 29, 2015).

2. Donor vetting. The Executive Director, OEMI, is responsible for vetting all potential NGO donor entities of money, goods, services, or personal property valued at or above \$10,000. NCA may vet individual donors who meet this monetary threshold as appropriate.

a. If the donor does not meet VA or NCA policy requirements to establish a partnership with NCA for gift or donation purposes, the Executive Director, OEMI, will communicate that determination in writing back to the donor and inform the Cemetery Director.

b. If the donor meets VA and NCA policy requirements, Executive Director, OEMI, will communicate that determination in writing back to the Cemetery Director to continue

development of the donation package. See Appendix E – Sample Letter to Approve/Disapprove Donor.

3. Referring vetted packages for development.

a. For vetted donations of a non-standardized commemorative work (NSCW) or carillon, the Cemetery Director will:

(i) Follow Appendix C, Checklist for NCA Staff – Non-Standardized Commemorative Work or Carillon.

(ii) Provide vetted donors with Appendix D – Checklist for Donor – Non-Standardized Commemorative Work or Carillon that informs them of the guidelines for completing the phases of the donation process.

(iii) Advise potential donors that NCA may only accept a NSCW or carillon from donors and organizations whose purpose, objectives, and teachings, as exemplified by its constitution, bylaws, and activities, are primarily patriotic in nature. The organization must have a primary objective of honoring and recognizing military service and have acquired a distinctive patriotic character and purpose.

(iv) Notify the District Executive Director of any unique, unusual, or substantial offers to include those which are notable because of the offer or the identity of the donor.

4. Referring approved donors for proposal development.

a. NCA employees will follow Appendix C - Checklist for NCA Employees – Non-Standardized Commemorative Work or Carillons as guidelines for completing the phases of the donation process. Cemetery Directors will assist vetted donors with developing donation proposals in accordance with procedures in this handbook.

b. For other gifts or donation types, see NCA Handbook 3160.01 to locate the donor checklist for Donations of Monetary or In-Kind Gifts or Items of Personal Property, and NCA Handbook 3160.02 for the donor checklist for Standardized Memorial Monuments, Plaques, Benches and Trees; and Fallen Soldier Displays.

SECTION III – PROPOSAL DEVELOPMENT AND DECISIONS ON DONATIONS

1. DEVELOPING A CONCEPTUAL DONATION PROPOSAL

a. Cemetery Directors must communicate the following information to donors to assist them in developing conceptual proposals.

(i) Only one NSCW honoring a specific subject matter will be permitted at a national cemetery.

(ii) If the NSCW honors a military event, it must be at least ten (10) years after the officially designated end of the event.

(iii) Primary components and design elements of the proposed NSCW must not feature actual or realistic replicas of ordnance or instruments of war (e.g., artillery, submarines, fighter jets, etc.) and would not be approved, except when used as an engraved or incised depiction of the Fallen Soldier display, or as they appear in a unit emblem, so long as it is not the predominant feature.

(iv) Proposed NSCWs must be primarily secular in nature and not feature explicit religious emblems or themes.

(v) Proposed NSCWs must not include words or design elements that are incompatible with the VA or NCA mission to honor Veterans, or that a reasonable person could perceive as offensive or derogatory.

(vi) Proposed NSCWs must not bear acknowledgment of individual or corporate contributors, nor any advertising.

(vii) For any potential replication of an existing monument, memorial, or artwork from another location, the donor must certify in writing that the owner of the original design or object has provided the necessary permission(s) or approval(s) for replication.

(viii) The NSCW or carillon must honor military service by groups or organizations who meet VA burial eligibility criteria.

(ix) The NSCW or carillon may not be used to honor individuals or civilian service, no matter how notable or patriotic. NCA does not permit inscription of individual names on these donated items.

NOTE: *There are existing monuments or memorials located in national cemeteries that include inscriptions of individual names. NCA will allow additional inscriptions to be added to these monuments based on the original acceptance agreement or other considerations. See Appendix O, National Cemeteries with Grandfathered Monuments Displaying Individual Names, for additional information about these existing monuments or memorials that include individual names.*

(x) The proposed NSCW design team must have a licensed/registered landscape architect or engineering architect on the team with experience in the design of similar projects. Specialty disciplines will be involved as needed for the specific project.

(xi) The design, location, size, and features of the NSCW must be compatible with the existing infrastructure features of the cemetery, such as roadways, curbing and gutters, pedestrian walkways, storm drainage system, underground and/or overhead utilities, topography, etc.

(xii) When existing infrastructure features of the cemetery need to be modified or new infrastructure features need to be added to accommodate the NSCW or carillon, the design of these features must be accomplished by the donor's registered professional architect, landscape architect, or engineer (A/E) as appropriate, and included on the NSCWs contract documents submitted to NCA for approval.

(xiii) Design and construction of new or modified infrastructure features that are needed to accommodate the NSCW shall be in accordance with Paragraph 3.4 "Compliance with Codes," and meet all VA standard construction guidelines and specification requirements. New or modified infrastructure design and construction shall match or exceed the physical and material characteristics, quality, and design of the existing infrastructure features of the cemetery.

2. DESIGN REQUIREMENTS

a. Design Criteria for Non-Standardized Commemorative Works

(i) Character and Theme: NSCWs are placed in perpetuity, and therefore, the design must be consistent with maintaining the cemetery as a national shrine.

(ii) Size and Scale: The size and scale of the NSCW must be appropriate to the site and context within the cemetery and must not impact potential burial space at the cemetery.

(iii) Inscriptions: Inscriptions on a NSCW shall be meaningful to the broadest possible audience. Text and design elements on NSCWs and related plaques will be limited to interpretive information about the work itself or the subject it commemorates. Wording will be both descriptive and concise. NSCWs may include a brief memorial inscription, secular verse, quotation, or other brief wording appropriate to the work. Inscriptions shall not include words or design elements that are incompatible with the VA or NCA mission to honor Veterans, or that could be perceived as offensive or derogatory by a reasonable person. Any associated plaque should be in scale to the work and complementary, rather than competing with it for attention. Dedication plaques will be limited to name of the artist or designer and the name of the donor. The dedication date (year, minimally) must be inscribed.

(iv) Effect on historic and cultural resources, and mandatory Section 106 consultation process: New NSCWs should be consistent with the historic significance of the cemetery. Appropriate siting can be assessed using the Secretary of the Interior's

Standards for Rehabilitation and Preservation Brief 36, Protecting Cultural Landscapes. The goal is to ensure that a new NSCW does not adversely affect the historic character or existing features of the cemetery. Any proposed NSCW that could potentially affect the character of an NCA national cemetery or soldiers' lot shall be subject to the Section 106 consultation process of the National Historic Preservation Act of 1966. This is applicable to all NCA cemeteries regardless of age, but especially those more than 50 years old. NCA's Historical Architect is responsible for overseeing the Section 106 consultation process.

(v) Materials and durability: The NSCW must be of durable and permanent materials, designed for minimal maintenance and upkeep. The materials and workmanship of the NSCW must be of the highest quality, free of flaws and imperfections, and appropriate to environment and topography in which they are installed (e.g., desert, mountainous terrain, humid climate, etc.).

(vi) Location: The specific location for a NSCW shall be consistent with the cemetery master plan. NSCWs shall be located only within currently developed areas of the cemetery site (not in areas of future expansion) and shall not conflict with existing or planned burial space. NSCWs are generally not placed on the standardized memorial walkway, path, or trail but may be placed there under unique circumstances if the area can appropriately accommodate the size and configuration and NCA determines it would not detract from the uniformity desired in standardized memorial monument areas.

(vii) Safety: To ensure public safety, the NSCW shall be free of hazards and consistent with VA's responsibility to maintain a safe environment, and protect and preserve VA staff, volunteers, visitors, and property.

(viii) Accessibility: The NSCW shall be readily accessible to people with disabilities in compliance with the Americans with Disabilities Act of 1990, Architectural Barriers Act of 1968, as amended, and local accessibility requirements. To achieve compliance, NCA uses as its standard for building and facility design the Architectural Barriers Act Accessibility Standards (ABAAS). It is NCA policy to make all cemetery structures accessible without the use of special facilities for the disabled. The donor's A/E is responsible for checking to see if there are local accessibility requirements. If they exist, the most stringent requirements will prevail between local and ABAAS. The criteria of these standards would be considered a minimum in providing access for the physically disabled.

(ix) Building codes: The design and construction of the NSCW shall comply with the latest edition of national recognized building codes as a minimum, such as the International Building Code (IBC), National Electrical Code (NEC), National Fire Protection Association (NFPA) Codes, and National Standard Plumbing Code (NSPC).

(x) Environmental Standards: The NSCW shall comply with applicable federal statutes, Executive Orders, and state and local regulations establishing environmental standards.

b. Design Criteria for Carillons

(i) Height: The allowable height will be approved based on unique environmental factors at each national cemetery and where the carillon will be placed.

(ii) Color: The color of all exposed metal must be dark brown or dark bronze. No other color may be used on any part of the tower.

(iii) Decorative elements and clocks: No decorative expanded metal grilles or metal panels are permitted. Where a grille is required, only louvers are acceptable with no decorative batons or other patterns superimposed on the louvers. Clocks are not permitted.

(iv) Religious elements: No religious symbols or inscriptions are permitted.

(v) Shape and Form: The tower form is to be four-sided in its entire exposed height. No triangular, circular, or cantilevered elements are permitted.

(vi) Plaques: Any associated plaques located at/near the base should be in scale to the work and complimentary, rather than competing with it for attention.

(vii) Location: The site location will be recommended by the Cemetery Director with concurrence by the donor. Base (pad) design and accommodation to grade are to be submitted to the Director of NCA's Design and Construction Service (DCS) for review and approval.

(viii) Electrical: All required electrical wiring must be concealed and all service lines to the tower must be entirely underground.

3. MAINTENANCE REQUIREMENT

a. Cemetery Directors must advise donors that they are responsible for establishing a maintenance endowment for each donated item and will provide a sample Maintenance Endowment Agreement (Appendix H) for donors' reference.

(i) Establishing a Maintenance Endowment: The donor must establish a trust fund or endowment and will enter into a Maintenance Endowment Agreement for each proposed NSCW or carillon, as required by 38 CFR 38.603(a)(1). The maintenance endowment will accept, hold and request monies for the maintenance, repair or removal of the donation. If necessary, NCA Finance Service (42C) will assist the donor by explaining how to set up the endowment.

(ii) Determining the Endowment Amount: The amount provided by the donor as an endowment or trust fund for the NSCW or carillon is determined by the type, frequency and complexity of maintenance that will be required for upkeep, but not less than ten percent (10%) of the overall cost of the donation. DCS will determine the endowment amount. Proof of available funds or a trust fund balance must be provided to VA prior to the start of construction.

4. PROCEDURAL REQUIREMENTS

a. The Cemetery Director will submit to Cemetery Operations, through the District Executive Director, the donor's written and graphic conceptual proposal (two (2) complete hard copies and one (1) digital copy) to donate a NSCW or carillon containing the following:

(i) Cover Letter: A cover letter signed by the donor, or an authorized representative, that includes the donor's name, mailing address, and contact information for the principal point of contact (POC). For non-governmental entities and those not previously recognized by VA under 38 CFR § 14.628, Recognition of organizations, donors must provide documents of articles of incorporation, membership criteria, history of the donor organization, proof of tax exempt status, and copy of the constitution and bylaws.

(ii) Donor Acceptance: Proof that the donor was vetted through the Executive Director, OEMI and met VA requirements for NCA to accept the donation (Appendix E, Sample Letter for OEMI Approval or Disapproval of Donor).

(iii) Narrative of Commemorative Intent: A statement that provides:

(A) The background and historical information on the group or event to be commemorated or memorialized;

(B) The relevance or relationship of commemoration to the donor; and

(C) Reasons for seeking placement in a VA national cemetery.

(iv) Conceptual Design: Drawings of the proposed NSCW or carillon design showing:

(A) Elevations, plan, and dimensions;

(B) Potential areas for inscriptions and proposed text;

(C) Materials proposed; and

(D) Conceptual Landscape plan.

(v) Cost Estimate: Provide an estimated cost for the design, fabrication, construction and installation of the NSCW or carillon. NCA requests this information for reporting purposes only.

b. Cemetery Directors must complete the following steps for the District Executive Director to review the conceptual proposal for completeness and endorse the proposal, to include the proposed location.

(i) Email a digital copy of the complete donor proposal package and two hard copies to the District Executive Director. Upon review and endorsement, the District Executive Director will:

(ii) Forward the digital and mail two hard copies of the proposal package to the Executive Director, Cemetery Operations, for review at:

Department of Veterans Affairs
National Cemetery Administration
Office of Cemetery Operations (41A)
810 Vermont Ave NW
Washington, DC 20420
Attn: Executive Director, Cemetery Operations

5. CONCEPT REVIEW AND APPROVAL PROCESS

a. Acknowledging a conceptual donation proposal. NCA Office of Cemetery Operations (41A or Cemetery Operations) will acknowledge the conceptual proposal in writing using Appendix F – Sample Letter Acknowledging Receipt of a Proposal to Donate a Non-Standardized Commemorative Work or Carillon, as a template.

b. Routing a donation proposal for stakeholder review and concept approval. Cemetery Operations (41A) will coordinate review among the following stakeholders within VA Central Office as outlined in Appendix C.

(i) NCA History Program (44D). Within two weeks of receipt from Cemetery Operations, NCA historians will review to verify inscription accuracy and the potential impact on a historical cemetery;

(ii) NCA Design and Construction Service (DCS). Within four weeks of receipt of a conceptual proposal for a NSCW or carillon, DCS will provide to Cemetery Operations a draft version of Appendix G – Sample Offer to Donate Improvements to Real Property (OTD) and other pertinent documents that incorporates 43B's review of:

(A) The donor's compliance with general guidelines and requirements;

(B) The compatibility of the donation with the Cemetery Master Plan;

(C) Initial endowment considerations; and

(D) Recommended course of action for Section 106 compliance and timeline, if needed (Historical Architect); and

(E) The list of technical documents that are needed before routing the package for final approval.

(iii) If needed, Cemetery Operations will obtain additional specialized recommendations on the conceptual NSCW or carillon proposal.

(iv) Cemetery Operations will resolve any issues or make edits to the documentation prior to routing the proposal for senior executive review; and include a draft approval letter using Appendix I – Sample Approval Letter - Donation of a Non-Standardized Commemorative Work or Carillon as a template.

c. Approval process for a conceptual donation proposal. Cemetery Operations prepares a recommendation package for concurrence by each Deputy Under Secretary

and the Principle Deputy Under Secretary for Memorial Affairs (PDUSMA) for a decision on the conceptual NSCW or carillon proposal by the USMA.

(i) If the USMA approves of the conceptual NSCW or carillon proposal, Cemetery Operations will collaborate with the Cemetery Director and the donor to develop the following documents for the approved donation and routes the following documents for USMA signature:

(A) Offer to Donate Improvements to Real Property (Appendix G – Sample)

(B) Maintenance Endowment Agreement (Appendix H – Sample)

(C) Approval Letter– Donation of a Non-Standardized Commemorative Work or Carillon (Appendix I – Sample)

(ii) USMA signs the OTD and approval letter.

(iii) Cemetery Operations makes a copy of the signed approval letter and mails the original to the Donor. The appendices and copy of the approval letter are retained for the Gifts and Donations file, as described in Section VII, 1 of this handbook.

(iv) If the USMA has comments that require additional input from the donor or other NCA offices, Cemetery Operations will coordinate that development with the Cemetery Director to revise and resubmit the conceptual donation package.

(v) If the USMA denies the NSCW or carillon proposal:

(A) Cemetery Operations will notify the Cemetery Director and District Executive Director of the decision.

(B) Cemetery Operations will prepare a disapproval letter to the donor, using Appendix J – Sample Disapproval Letter – Donation of a Non-Standardized Commemorative Work or Carillon, as a template. The original must be mailed to the potential Donor and a copy must be retained for the Gifts and Donations file, as described in Section VII, 1. of this handbook.

SECTION IV – DONATION DESIGN REVIEW AND APPROVAL

1. DESIGN DOCUMENTS

a. Required Documents. After USMA approval of concept, DCS will directly coordinate the collection, review and approval of documents related to the design and construction of NSCWs and carillons. It is critical at this phase that DCS be the sole communicator with the donor and their professional representatives. Most projects require three complete sets of Construction Documents, submitted in phases.

(i) Schematic Design

(ii) Design Development

(iii) Construction Documents.

b. Design Documents Submission. The donor's A/E is responsible for producing a correct, complete, and fully coordinated set of drawings, design narrative, calculations, sample boards and specifications for the successful completion of the project in accordance with professional practice standards and VA criteria. The donor and the donor's A/E firm must adhere to the approved concept for the NSCW or carillon and the signed OTD. For each submission, the donor's A/E will present designs on standard size drawings. The drawings must:

(i) Include the date and, in large block letters above or beside the drawing title block, be labeled "SCHEMATIC SUBMISSION", DESIGN DEVELOPMENT SUBMISSION", or "CONSTRUCTION DOCUMENT SUBMISSION".

(ii) Bear the seal and signature of the registered professional architect, landscape architect, or engineer responsible for its design.

(iii) Incorporate the corrections, adjustments, and changes made by NCA in the previous review.

(iv) Before the final contract documents are issued for construction, a principal of the design firm shall be required to provide a signed certification that all drawings and calculations have been properly signed and sealed by the appropriate individual for each discipline, in accordance with the rules and regulations of the local state licensing authority. This certification will be forwarded to DCS upon the completion of the Construction Documents and will be retained in the Gifts and Donations file as described in Section VII, 1 of this handbook.

c. Design Documents Approval. Once the phased design development and approval process is complete and all documents are received and are sufficient, DCS will send the donor a letter that reflects NCA's final approval of the NSCW or carillon's design and a copy is retained for the Gifts and Donations file, as described in Section VII, 1 of this handbook.

SECTION V – DONATION CONSTRUCTION AND INSTALLATION

1. CONSTRUCTION REQUIREMENTS

a. Operational Requirements. Construction work must interfere as little as possible with normal cemetery operations, including utility services and fire protection systems. On-site work will be performed during the cemetery's normal operating hours or as otherwise specified in the OTD. All on-site contractor work must be coordinated with the cemetery's ongoing grounds maintenance and burial operations.

b. Construction Monitoring Requirements. The Donor will fund the cost of an independent Construction Monitor (CM) working for NCA for the duration of construction. DCS will recommend to the USMA who should be responsible for construction monitoring.

(i) The donor must establish an escrow account to accept, hold and request monies for NCA to engage a CM to represent VA interests during construction, as outlined in the OTD Appendix G, Offer to Donate Improvements to Real Property.

(ii) As a rule, the amount held in escrow is, at a minimum, ten percent (10%) of the estimated cost of construction.

(iii) The escrow account must be established prior to the start of construction.

(iv) The Donor and/or its general contractor will coordinate the construction with the designated NCA CM.

c. Contractor Requirements. All contractors performing work in a VA National Cemetery must:

(i) Obtain all necessary licenses and/or permits required to perform the work;

(ii) Comply with all applicable Federal, State, County, and City Laws ordinances, Right-to-Know laws, Environmental Protection Agency guidelines and regulations;

(iii) Ensure that contract personnel adhere to standards of dress and conduct;

(iv) Ensure that no contract work causes any funeral, ceremony, procession or visitation to be delayed, altered, or otherwise impacted in such a way that the dignity, serenity or security of the event is compromised;

(v) Keep roads clear of construction materials, debris, standing construction equipment, and vehicles; and

(vi) Perform a clean-up of the construction site at the close of construction work each day.

d. Insurance Requirements. Liability insurance requirements for each donated NSCW will be stipulated in the OTD. The donor is responsible for obtaining the contractor's Certification of Liability Insurance, Performance and Payment bonds and providing them to the NCA CM prior to start of construction.

(i) DCS will ensure that contractors complete and sign Appendix K – Contractor Certification of Liability Insurance for a Non-Standardized Commemorative Work or Carillon. The signed document will be retained for the Cemetery Gifts and Donations file.

(ii) The donor and its contractor are responsible for the prompt replacement of any contractor-damaged cemetery structure, feature or equipment, including but not limited to: turf, trees, plant beds, landscaping; walks; curbs and gutters; road pavement; headstones or markers; utility and service lines; valve boxes, grid monument control markers, irrigation lines and equipment, etc.

(iii) Damage will be brought to the immediate attention of the designated Construction Monitor before any corrective action is taken.

(iv) The contractor will bear all costs associated with repair, replacement and reinstallation of damaged property to the Cemetery Director's satisfaction.

e. Safety Requirements. The Donor and its contractor are responsible for ensuring that all work is done in a manner that safeguards all VA employees and the public. The contractor is solely responsible for the actions of his/her employees and will take all responsible precautions necessary to protect persons and property from injury or damage.

2. CONSTRUCTION AND INSTALLATION

a. NCA Design and Construction Service (DCS) will recommend to the USMA a NSCWs construction monitoring protocol to ensure progress and corrected punch list items, as needed.

b. Once the construction of the NSCW is complete and based on the OTD requirements, DCS will:

(i) Inspect the installation;

(ii) Report their findings to Cemetery Operations; and,

(iii) Forward all documents that were retained throughout the process to Cemetery Operations for the Gifts and Donations file.

SECTION VI – ACCEPTING A DONATION

1. ACCEPTING A NEW DONATION

a. Cemetery Operations will collaborate with the Cemetery Director and the donor to develop documents for the approved donation using the samples in Appendix L – Sample Acceptance of Improvements to Real Property and Appendix M – Sample Deed of Gift Form for Donation of a Heritage Asset. Once complete, Cemetery Operations will route the letters to the USMA for signature.

b. Cemetery Operations will prepare three (3) original custody receipts and provide one (1) copy to the donor, one (1) copy to the District Executive Director, and one (1) copy to the Cemetery Director for the location that received the NSCW or carillon. Refer a digital copy of all items described above to the NCA History Program. The original version of the custody receipt and OTD must be retained by Cemetery Operations, along with:

- (i) A set of reduced-sized final drawings;
- (ii) A copy of the OTD; and,
- (iii) Related correspondence.

c. All documentation maintained in NCA offices should be considered permanent records and should not be archived or destroyed, unless directed to by the NCA records control schedule.

SECTION VII – CEMETERY RECORDKEEPING OF DONATIONS

1. GIFTS AND DONATIONS FILE

a. Each cemetery must maintain a detailed record of all proposals and donations of NSCWs and carillons. The records must be sufficient to support an audit trail of the actions taken to process donations. NCA Finance Service will request documentation for audit reviews. The following documentation must be retained in the cemetery's file:

(i) Original written offers

(A) If an accepted donation is a historical item, the Cemetery Director should retain the original documentation and refer a digital copy to the NCA History Program;

(ii) Copies of all communications with the donor (e.g., USMA and Cemetery Director decision letters for accepted or declined offers, memoranda of agreements, etc.);

(iii) Copies of all recommendations made for donation offers that are forwarded to the USMA or a Cemetery Director for a decision; and,

(iv) Copies of the Deed of Gift (Appendix M) for each historical donation that includes signatures by the donor and NCA Recipient and a description of the materials conveyed to the ownership of the U.S. Government;

2. GIFTS AND DONATIONS RECORDS BOOK

a. Cemetery Director will add the donated item to the Gifts and Donations Record Book that includes:

(i) Details on each accepted gift donated to the cemetery to include:

(ii) A description of the gift;

(iii) Actual or estimated value; and

(iv) Date of donation.

(v) Donor identity, unless donor anonymity is requested.

b. The Gifts and Donations Record Book is maintained in a public area of the administration office or other suitable public space.

c. Cemetery Director will ensure that NCA's Agent Cashier enters the donation in their corresponding gifts and donations log.

SECTION VIII – VACO REPORTING AND RECORDKEEPING

1. REPORTING AND DOCUMENTING THE DONATION

a. NCA is required to report and track accepted NSCWs and carillons, including historic properties, which includes monuments and memorials installed in VA national cemeteries, soldiers' and government lots. These properties generally encompass objects that commemorate large military conflicts or military events, as well as groups of individuals. These properties do not include any Government-furnished memorialization benefits (headstones or markers), private grave markers, or ornamental landscape features.

(i) Within thirty (30) days of the conclusion of an acceptance or denial of a donation, the Office of Cemetery Operations or the cemetery shall provide digital copies of all documentation related to the donation to the NCA History Program for retention to assist in its responsibility for monument accountability and history.

(ii) Within thirty (30) days of installation of a NSCW or carillon, the Cemetery Director must report that a new donation was installed at the VA national cemetery to the NCA History Program, see Appendix N – New Monument or Memorial Report.

b. Upon receipt, the NCA Historian is responsible for:

(i) Adding the donated memorial object to its internal digital collection-management system (e.g., ReDiscovery); and the list of NCA historic properties that is reported to the VA Office of Construction and Facilities Management (CFM) annually for inclusion in the "Inventory of Historic VA Facilities";

(ii) Reporting new donated memorial object to the Office of Budget for inclusion in VA's Capital Asset Inventory (CAI); and

(iii) Assist the District Executive Director and Cemetery Directors to execute Deed of Gift documentation for any accepted historical asset donations.

APPENDIX A – Options for Gifts and Donations to VA National Cemeteries**Department of Veterans Affairs
National Cemetery Administration****Gifts and Donations to VA National Cemeteries**

VA is authorized under sections 2406 and 2407 of title 38, United States Code to request (solicit) and accept gifts and donations, as well to solicit gifts and donations for the benefit or beautification of our national cemeteries. Potential donors may review the information below and decide the type of gift or donation they want to make and understand NCA review and acceptance procedures for proposed donations.

TYPES OF DONATIONS

- Monetary (cash, checks, bequests)
- Non-monetary (goods/personal property: trees, equipment; or, services: e.g. landscaping)
- Land (real property)
- Carillon (bell tower)
- Standardized memorial monuments (cut-stone or natural boulder of a specified size that contains an incised inscription or a memorial plaque to honor military service in the U.S. Armed Forces by groups or organizations or members of groups or organizations physically interred in that national cemetery. It is not to be used to honor individuals or civilian service however notable or patriotic.) SMM have a uniform appearance that enables a streamlined approval process; it allows donors to quickly achieve the commemorative intent contemplated in their donation.
- Non-standardized memorial monument commemorative works (unique and substantial statue, sculpture, monument, plaque, structure, or landscape feature with dimensions and design complexity that exceed the specifications for a standardized memorial monument.) A non-standardized memorial monument is considered an improvement to real property and is designed to perpetuate the memory of a branch or major unit of the U.S. Armed Forces or similar group, war, major military conflict, or significant event related to war or military conflict, or other significant element in American history.

GENERAL REVIEW AND DECISION-MAKING PROCESS

- **RECEIPT OF OFFER:** NCA will request information from the donor, such as organization contact information, partners contributing to the donation, and technical information with narrative describing the purpose of the donation, and any relationships with the cemetery's support or friends group.
- **DEVELOPMENT:** NCA will provide vetted donors with specific information relative to the type of donation they wish to make. NCA officials will work with donors to develop proposals that may require items including narrative statements about the donation, inscription information, technical drawings, cost estimates, proof of insurance, maintenance endowment agreements, and schematics.

- **DECISION:** NCA will work with donors to finalize proposals and, if applicable, inscription content and design specifications to support NCA's decision for acceptance. Decisions will be communicated in writing to donors.
- **DELIVERY/INSTALLATION/EXPENDITURE:** The donor will be required to provide all funds necessary for installation and agree that the donation becomes the property of the U.S. government upon acceptance.

NOTE: Donor organizations may engage in fundraising activities to cover the costs of the donation. Due to Federal law, under no circumstances will any statement made by the donor, oral or written, convey support or endorsement by VA. VA specifically prohibits the Donor, or its agents, from using VA's name, or that of any official or employee, that would indicate VA sponsorship or participation in the fundraising effort. Donor accepts all risk for any commitment the make prior to receiving final approval in writing of the donation.

**APPENDIX B – Checklist for Vetting Non-Governmental Organizations Offering
Donations At or Over \$10,000**

[INSERT NAME OF NCA EMPLOYEE CONDUCTING INTAKE AND DATE]

Donor Organization Name: _____

Point of Contact (POC) Name: _____

POC Phone Number / Email Address: _____

Mailing Address: _____

Type of Donor Organization and Operating Status (check all that apply):

Veterans Service Organization _____	Faith-Based Service Organization _____
Not-for-profit organization _____	Community-based Organization _____
Charitable Organization _____	National Organization _____
For-profit / Commercial Entity _____	International Organization _____
Active / Inactive (circle one)	

Description of Organization's Mission, Purpose, or Goals (provide details)

Does the donor organization's mission align with NCA's mission and purpose?

YES / NO (circle one)

Does the donor organization serve Veterans, Servicemembers, and their family members?

YES / NO (circle one)

Does the donor organization have an existing partner or donor relationship with NCA?

YES / NO (circle one)

Would partnership with the donor result in a conflict of interest or present litigation risks to VA? **YES / NO** (circle one) If **YES**, provide rationale:

Donation Type / Purpose of Donation (check all that apply; provide details):

Monetary Gift _____	Goods _____
Services _____	Carillon _____
Fallen Soldier Display _____	Memorial Tree _____
Memorial Plaque _____	Memorial Bench _____

Non-Standardized Commemorative Works _____

Standardized Memorial Monument _____

APPENDIX C – Checklist for NCA Staff – Non-Standardized Commemorative Works (NSCW) and Carillons

INITIAL DONATION OFFER AND DONOR VETTING PHASE

☐ 1. NCA employee receives an inquiry from a group or organization interested in donating a NSCW or carillon for placement in a VA National Cemetery. The employee must refer the potential donor to the Cemetery Director at the proposed recipient site.

☐ 2. Cemetery Director determines whether the potential donor is a non-governmental organization that proposes to donate an item valued at ten-thousand dollars (\$10,000) or greater. The Cemetery Director will:

☐ a. Provide all potential donors, regardless of donation value, Appendix A – Options for Gifts and Donations to VA National Cemeteries.

☐ b. If the donation is valued at \$10,000 or greater and the potential donor is an NGO, the Cemetery Director will inform the potential donor that NCA must first determine whether the organization or group meets VA requirements for gift acceptance. The Cemetery Director will assist the potential donor with gathering the requisite information about the organization or group and intended donation for vetting purposes as shown in Appendix B – Checklist for Vetting Non-Governmental Organizations Offering Donations Over \$10,000.

☐ 3. If the donation is valued at \$10,000 or greater and the potential donor is an NGO, the Cemetery Director will submit the donor information to the Executive Director, OEMI to vet the donor under VA Directive 0008, *Developing Public-Private Partnerships with, and Accepting Gifts from VA from Non-Governmental Organizations*.

☐ a. If the Executive Director, OEMI finds the donor does not meet VA requirements, the Executive Director, OEMI will communicate a written decision to the potential donor and courtesy copy (cc) the Cemetery Director to inform him/her of the decision (Appendix E).

☐ b. If the Executive Director, OEMI finds the donor meets VA requirements, the Executive Director, OEMI will communicate a written decision to the donor (Appendix E) and cc the Cemetery Director, which prompts development of the donation proposal.

CONCEPT DEVELOPMENT PHASE

☐ 4. Cemetery Director reviews and discusses the donation criteria, design considerations and maintenance requirement with the donor.

☐ 5. Cemetery Director assists the approved donor with developing the conceptual proposal and design for the NSCW or carillon. This includes providing the donor with the appropriate appendices to this handbook and coordinating with the District Executive Director and NCA central office, as needed.

☐ 6. Cemetery Director obtains two copies of the following documents from the donor for the proposed donation of a NSCW or carillon. A complete proposal includes the following:

☐ a. A cover letter signed by the donor or an authorized representative of the group or organization.

☐ b. A narrative of commemorative intent that includes the background and historical information on the group or event that is being commemorated or memorialized, a statement of relevance or relationship of the commemoration or subject to the donor, and an explanation of reasons for placing it in the proposed VA national cemetery.

☐ c. For all (Appendix E) provide technical drawings of the proposed design showing:

(i) All four elevations, plan, and foundation specifications with exact dimensions;

(ii) Exact inscription and details of all text and graphics, if any; and

(iii) Materials specified in the fabrication.

☐ d. Conceptual landscape plan for proposed location

☐ e. Cost estimate that includes the cost for the design and construction of a NSCW or carillon. (NCA requests this information for reporting purposes only).

☐ 7. Cemetery Director will add proof that the donor was vetted through the Executive Director, OEMI, (Appendix E) and met VA requirements for NCA to accept the donation.

☐ 8. Cemetery Director will submit two (2) complete hard copies and one (1) digital copy of the conceptual donation proposal to the District Executive Director who will review and endorse it.

☐ 9. The District Executive Director will submit the hard copies to NCA's Office of Cemetery Operations (41A) and forward the digital copy by email and copy the Executive Director, Cemetery Operations.

☐ 10. Cemetery Operations will acknowledge receipt of the conceptual proposal in writing (Appendix F - Sample Letter Acknowledging Receipt of a Proposal to Donate a Non-Standardized Commemorative Work or Carillon).

☐ 11. Cemetery Operations forwards the conceptual NSCW or carillon proposal for review and comments to the following offices:

- ☐ a. NCA History Program office (44D) to review for Section 106 compliance, inscription accuracy and the potential impact on historical cemetery features.
- ☐ b. Design and Construction Service (43B) to
 - (i) Review the proposal for compliance with general guidelines and requirements;
 - (ii) Review compatibility with the Cemetery Master Plan;
 - (iii) Confer with the donor on the site recommendation and make changes to the proposal based on NCA comments, as needed;
 - (iv) Address all comments and recommendations.
- ☐ 12. Cemetery Operations will route the conceptual proposal through central office for staff review and concurrence.
- ☐ 13. Cemetery Operations prepares a recommendation package for concurrence by each Deputy Under Secretary and the Principle Deputy Under Secretary for Memorial Affairs (PDUSMA), and for a decision by the Under Secretary for Memorial Affairs (USMA).
 - ☐ a. If the USMA approves of the conceptual NSCW or carillon proposal, Cemetery Operations collaborates with the Cemetery Director and donor to develop Appendix G – Offer to Donate Improvements to Real Property (OTD) for the approved donation and routes the document for USMA signature.
 - ☐ b. If the USMA has comments that require additional input from the donor or other NCA offices, Cemetery Operations will coordinate that development with the Cemetery Director and revise the conceptual donation package until it meets USMA approval.
- ☐ 14. USMA signs the OTD.

DESIGN REVIEW AND APPROVAL PHASE

- ☐ 15. Design and Construction Service (DCS) will collaborate with the donor and their licensed design professionals to ensure that the design development process is documented in three complete sets of documents, submitted in phases:
 - ☐ a. Schematic Design;
 - ☐ b. Design Development; and
 - ☐ c. Construction Documents.
- ☐ 16. DCS will collaborate with the donor and licensed design professionals to review comments received from NCA for each submittal and make all necessary changes to them until the Construction Documents are completed to NCA specifications.

☐ 17. DCS will send the donor a letter that reflects NCA's final approval of the NSCW or carillon's design and ensure that a copy is retained for the Gifts and Donations file.

CONSTRUCTION AND INSTALLATION PHASE

☐ 18. DCS will ensure that the donor funds the cost of an independent Construction Monitor (CM) working for NCA for the duration of construction.

☐ 19. DCS will ensure that the donor and/or its general contractor coordinates the construction with the designated NCA CM.

☐ 20. DCS will ensure that contractors complete and sign Appendix K – Contractor Certification of Liability Insurance for a Non-Standardized Commemorative Work or Carillon

☐ 21. DCS will verify that the donor has established a trust fund or endowment for maintenance of the NSCW or carillon as outlined in the OTD and Maintenance Endowment Agreement.

☐ 22. DCS will collaborate with the Cemetery Director and NCA CM to ensure that construction activities are coordinated and do not have an adverse impact on daily cemetery operations and that all work is done in a manner that safeguards all VA employees and the public.

☐ 23. DCS will collaborate with the Cemetery Director and NCA CM to ensure that construction is completed and final inspections are conducted.

☐ 24. DCS will collaborate with the Cemetery Director and the NCA CM to ensure that the donor corrects all punchlist items.

☐ 25. DCS will collaborate with the Cemetery Director and NCA CM to coordinate re-inspection of the NSCW or carillon.

POST-CONSTRUCTION PHASE

☐ 26. Cemetery Operations will collaborate with the Cemetery Director and the donor to develop Appendices M – Sample Acceptance of Improvements to Real Property and N – Sample Deed of Gift Form for Donation of a Heritage Asset.

☐ 27. Cemetery Operations will route the signed Appendices M and N for USMA signature.

☐ 28. Cemetery Operations will prepare three (3) original custody receipts and provide one (1) copy to the donor, one (1) copy to the District Executive Director, and one (1) copy Cemetery Director that received the NSCW or carillon.

☐ 29. Cemetery Operations will retain the following documents:

☐ a. Original custody receipt;

- ☐ b. Original OTD;
 - ☐ c. A set of reduced-sized final drawings; and
 - ☐ d. All project-related correspondence. The originals must be permanently maintained by the NCA History Program
- ☐ 30. Cemetery Director will complete Appendix N – New Monument or Carillon Report and send it with all associated documents to the NCA History Program (44D) within thirty (30) days of the installation of an approved new donation

APPENDIX D – Checklist for Donor – Non-Standardized Commemorative Works (NSCW) and Carillons

INITIAL DONATION OFFER AND DONOR VETTING PHASE

- ☐ 1. Express to the Cemetery Director the group's interest in donating a NSCW or carillon to the U.S. Department of Veterans Affairs, National Cemetery Administration. Indicate the VA national cemetery where you intend for the item to be placed. The Cemetery Director will provide Appendix A – Options for Gifts and Donations to VA National Cemeteries.
- ☐ 2. When a potential donor is a non-governmental organization proposing to donate an item valued at \$10,000 or greater, NCA must determine whether the potential donor meets VA requirements for gift acceptance. In those instances, the Cemetery Director will provide Appendix B – Checklist for Vetting Non-Governmental Organizations Offering Donations Over \$10,000.
- ☐ 3. If required, submit the required information outlined in Appendix B to the Cemetery Director to initiate the donor vetting process.
- ☐ 4. Receive notice of the outcome of the donor vetting process (Appendix E).
 - ☐ a. If the organization or group donor does not meet VA requirements, a written decision is provided by the office of the Executive Director, OEMI.
 - ☐ b. If the organization or group meets VA requirements, the donor will receive a notification letter (Appendix E) from the Executive Director, OEMI and the Cemetery Director will contact the donor to initiate development of the donation proposal.
- ☐ 5. Review and discuss the following donation criteria with the Cemetery Director:
 - ☐ a. Only one NSCW honoring a specific subject matter will be permitted at a national cemetery.
 - ☐ b. If the NSCW honors a military event, it must be at least ten (10) years after the officially designated end of the event.
 - ☐ c. Primary components and design elements of the proposed NSCW must not feature actual or realistic replicas of ordnance or instruments of war (e.g., artillery, submarines, fighter jets, etc.) and would not be approved, except when used as an engraved or incised depiction of the Fallen Soldier display, as defined in NCA Handbook 3160.02, Standardized Memorial Monuments, Plaques, Benches and Trees; Fallen Soldier Displays.
 - ☐ d. Proposed NSCWs must be primarily secular in nature and not feature explicit religious emblems or themes.

☐ e. Proposed NSCWs must not include words or design elements that are incompatible with the VA or NCA mission to honor Veterans, or that a reasonable person could perceive as offensive or derogatory.

☐ f. Proposed NSCWs must not bear acknowledgment of individual or corporate contributors, nor any advertising.

☐ g. For any potential replication of an existing monument, memorial, or artwork from another location, the donor must certify in writing that the owner of the original design or object has provided the necessary permission(s) or approval(s) for replication.

☐ h. The NSCW or carillon must honor military service by groups or organizations who meet VA burial eligibility criteria.

☐ i. The NSCW or carillon may not be used to honor individuals or civilian service, no matter how notable or patriotic. NCA does not permit inscription of individual names on these donated items.

☐ j. The proposed NSCW design team must have a licensed/registered landscape architect or engineering architect on the team with experience in the design of similar projects. Specialty disciplines will be involved as needed for the specific project.

☐ k. The design, location, size, and features of the NSCW must be compatible with the existing infrastructure features of the cemetery, such as roadways, curbing and gutters, pedestrian walkways, storm drainage system, underground and/or overhead utilities, topography, etc.

☐ l. When existing infrastructure features of the cemetery need to be modified or new infrastructure features need to be added to accommodate the NSCW or carillon, the design of these features must be accomplished by the donor's registered professional architect, landscape architect, or engineer (A/E) as appropriate, and included on the NSCWs contract documents submitted to NCA for approval.

☐ m. Design and construction of new or modified infrastructure features that are needed to accommodate the NSCW shall be in accordance with Paragraph 3.4 "Compliance with Codes," and meet all VA standard construction guidelines and specification requirements. New or modified infrastructure design and construction shall match or exceed the physical and material characteristics, quality, and design of the existing infrastructure features of the cemetery.

☐ 6. Review and discuss the following design considerations with the Cemetery Director:

☐ a. Non-standardized Commemorative Works (NSCW)

(i) Character and Theme: NSCWs are placed in perpetuity, and therefore, the design must be consistent with maintaining the cemetery as a national shrine.

(ii) Size and Scale: The size and scale of the NSCW must be appropriate to the site and context within the cemetery and must not impact potential burial space at the cemetery.

(iii) Inscriptions: Inscriptions on a NCSW shall be meaningful to the broadest possible audience. Text and design elements on NCSWs and related plaques will be limited to interpretive information about the work itself or the subject it commemorates. Wording will be both descriptive and concise. It may include a brief memorial inscription, verse, quotation, or other brief wording appropriate to the work. Inscriptions shall not include words or design elements that are incompatible with the VA or NCA mission to honor Veterans, or that could be perceived as offensive or derogatory by a reasonable person. The plaque should be in scale to the work and complimentary, rather than competing with it for attention. Dedication plaques will be limited to name of the artist or designer, name of the donor, and the date dedicated.

(iv) Effect on historic and cultural resources, and mandatory Section 106 consultation process: New NSCWs should be consistent with the historic significance of the cemetery. Appropriate siting can be assessed using the Secretary of the Interior's Standards for Rehabilitation and Preservation Brief 36, Protecting Cultural Landscapes. The goal is to ensure that a new NSCW does not adversely affect the historic character or existing features of the cemetery. Any proposed NSCW that could potentially affect the character of an NCA national cemetery or soldiers' lot is subject to Section 106 consultation under the National Historic Preservation Act of 1966. This is applicable to all NCA cemeteries regardless of age, but especially those more than 50 years old.

(v) Materials and durability: The NCSW must be of durable and permanent materials, designed for minimal maintenance and upkeep. The materials and workmanship of the NCSW must be of the highest quality, free of flaws and imperfections and appropriate to environment and topography in which they are installed (e.g., desert, mountainous terrain, humid climate, etc.).

(vi) Location: The specific location for a NCSW shall be consistent with the cemetery master plan. NSCWs shall be located only within currently developed areas of the cemetery site (not in areas of future expansion) and shall not conflict with existing or planned burial space. NCSWs are generally not placed on the standardized memorial walkway, path or trail but may be placed there under unique circumstances if the area can appropriately accommodate the size and configuration and NCA determines it would not detract from the uniformity desired in standardized memorial monument areas.

(vii) Safety: To ensure public safety, the NCSW shall be free of hazards and consistent with VA's responsibility to maintain a safe environment, and protect and preserve VA staff, volunteers, visitors and property

(viii) Accessibility: The NCSW shall be readily accessible to people with disabilities in compliance with the Americans with Disabilities Act of 1990, Architectural Barriers Act of 1968, as amended, and local accessibility requirements. To achieve compliance, NCA uses as its standard for building and facility design the Architectural Barriers Act Accessibility Standards (ABAAS). It is NCA policy to make all cemetery structures accessible without the use of special facilities for the disabled. The donor's A/E is responsible for checking to see if there are local accessibility requirements. If they exist, the most stringent requirements will prevail between local and ABAAS. The criteria of these standards would be considered a minimum in providing access for the physically disabled

(ix) Building codes: The design and construction of the NCSW shall comply with the latest edition of national recognized building codes as a minimum, such as the International Building Code (IBC), National Electrical Code (NEC), National Fire Protection Association (NFPA) Codes, and National Standard Plumbing Code (NSPC).

(x) Environmental Standards: The NCSW shall comply with applicable federal statutes, Executive Orders, and state and local regulations establishing environmental standards.

☐ b. Carillons

(i) Height: The allowable height will be approved based on unique environmental factors at each national cemetery and where the carillon will be placed.

(ii) Color: The color of all exposed metal must be dark brown or dark bronze. No other color may be used on any part of the tower.

(iii) Decorative elements and clocks: No decorative expanded metal grilles or metal panels are permitted. Where a grille is required, only louvers are acceptable with no decorative batons or other patterns superimposed on the louvers. Clocks are not permitted.

(iv) Religious elements: No religious symbols are permitted.

(v) Shape and Form: The tower form is to be four-sided in its entire exposed height. No triangular, circular or cantilevered elements are permitted.

(vi) Location: The site location will be recommended by the Cemetery Director with concurrence by the donor. Base (pad) design and accommodation to grade are to be submitted to the Director of NCA's Office of Design and Construction Management for review and approval.

(vii) Electrical: All required electrical wiring must be concealed and all service lines to the tower must be entirely underground.

☐ 7. Discuss NCAs maintenance requirements for donated items with the Cemetery Director.

CONCEPT DEVELOPMENT PHASE

☐ 8. The donor will submit to the Cemetery Director two (2) complete copies of the conceptual donation proposal containing the following documents:

☐ a. A cover letter signed by the authorized representative of the donor, if applicable.

☐ b. A narrative of commemorative intent that includes the background and historical information on what group or event is being commemorated or memorialized, a statement of relevance or relationship of commemoration or subject to the donor, and an explanation of reasons for placing the donation in the proposed VA national cemetery.

☐ c. Conceptual design drawings of proposed monument design showing:

(i) Elevations, plan, and dimensions;

(ii) Potential areas for inscriptions and proposed text if available;

(iii) Materials proposed; and

(iv) Conceptual landscape plan for proposed location.

☐ e. An estimate of cost that includes the design, fabrication, construction and installation of the NSCW or carillon.

☐ 9. The donor will receive a letter of acknowledgment for the conceptual donation proposal.

CONCEPT REVIEW AND APPROVAL PHASE

☐ 10. Receive a letter from the Under Secretary for Memorial Affairs (USMA) that the proposed concept for a NSCW or carillon donation is either approved or disapproved (See Appendices I and J). If the USMA approves of the proposal

☐ a. The Cemetery Director will provide Appendix G – Sample Offer to Donate (OTD) Improvements to Real Property to the Donor to use as a template for the OTD.

☐ b. Submit a signed OTD to the Cemetery Director.

DESIGN REVIEW AND APPROVAL PHASE

- ☐ 11. Initiate design development by licensed design professionals for the approved concept and submit each design review package to a representative from NCA Design and Construction Service.
- ☐ 12. Incorporate and respond to review comments received from NCA on each submission until the Construction Documents are completed.
- ☐ 13. Receive a letter from the USMA approving the final design of the NSCW or carillon.
- ☐ 14. Establish an escrow account for construction of the donation as outlined in the OTD.
- ☐ 15. Establish a trust fund or endowment for maintenance of the donation as outlined in the OTD.

CONSTRUCTION AND INSTALLATION PHASE

- ☐ 16. Construct the NSCW or carillon as approved and in accordance with the OTD.
- ☐ 17. Coordinate construction activities with the Design and Construction Service (DCS), the Cemetery Director, and the NCA Construction Monitor (CM).
- ☐ 18. Complete construction and coordinate final Inspection with NCA representatives.
- ☐ 19. Correct all punchlist items.
- ☐ 20. Coordinate re-inspection of the NSCW or carillon, if necessary.

POST-CONSTRUCTION PHASE

- ☐ 21. Obtain a signed acceptance of the donated NSCW or carillon from the USMA.

APPENDIX E – Sample Letter for Executive Director, OEMI for Approval or Disapproval of Donor Vetting

[Insert VA seal and letter head for Executive Director, OEMI]

[Date]

[Donor or POC Name]

[Title, if any]

[Street Address]

[City, State, Zip code]

Dear [Name of Donor or Donor Representative]:

Thank you for [“your offer to donate” OR “the offer to donate, on behalf of (Donor name)], the [SPECIFY donation type], valued at [SPECIFY monetary estimate] to the Department of Veterans Affairs (VA) [name of VA National Cemetery or National Cemetery Administration].

I am responding because I am responsible for the initial review of offers from potential donors under VA policies for developing responsible public-private partnerships with non-governmental organizations. As part of NCA’s due diligence, I must review all donation offers valued at or above \$10,000, taking into consideration factors such as donor suitability and whether acceptance of the proposed donation would be consistent with applicable legal authorities, VA core values, and available resources.

APPROVAL

Based on the information you provided about the proposed donation, I find that partnering with you [“your organization” OR “the donor”] would advance our shared mission to honor our Nation’s fallen heroes. I request that you please work with the leadership at [name of VA National Cemetery OR NCA POC] to complete the donation review and decision process.

DISAPPROVAL

Based on the information you provided about the proposed donation, I find that partnering with you [“your organization” OR “the donor”] [“presents a conflict of interests” OR “would not advance our shared mission to honor our Nation’s fallen heroes” OR “would drain NCA resources away from our mission to meet the burial needs of our Veterans” OR SPECIFY RATIONALE]. I understand this may not be the result you seek but hope you understand our obligation to adhere to VA’s policies that ensure we meet our primary purpose of serving Veterans.

Thank you for your interest in support of VA and the National Cemetery Administration.

Sincerely,
NAME
Executive Director, Office of Engagement and
Memorial Innovations

APPENDIX F – Sample Letter Acknowledging Receipt of a Proposal to Donate

[Insert VA seal and relevant NCA letterhead]

[Date]

[Donor or POC Name]

[Title, if any]

[Street Address]

[City, State, Zip code]

Dear [Name of Donor or Donor Representative]:

Thank you for [Donor Name/Organization's] recent offer to donate a [non-standardized commemorative work OR carillon] to be placed at [cemetery name].

Please be advised that we are routing your donation offer through the NCA [non-standardized commemorative work OR carillon] review process.

I will contact you with a decision after the review process is complete.

Sincerely,

NAME

Executive Director, Office of Cemetery Operations

cc: District Executive Director

APPENDIX G – Sample Offer to Donate (OTD) Improvements to Real Property

PURPOSE. This Offer to Donate (OTD) improvements to real property is made by and between [cemetery name] and [Donor], located at [address], and the Government of the United States of America, by and through any duly authorized representative, and is dated as set forth below. This OTD will establish the framework for the donation for [Cemetery name] to the U.S. Department of Veterans Affairs (VA), of the [cemetery name] a [non-standardized commemorative work OR carillon] to enhance the natural beauty of the [cemetery name].

BACKGROUND. The Donor has evidenced an intention to raise money solely under its auspices, which it will offer to VA in the form of various enhancements to the Cemetery. The initial phase of the implementation of this OTD:

1. Will be directed to the enhancement to the [cemetery name].
2. VA has authority pursuant to 38 U.S.C. §§ 2407 and 38 CFR 38.603 to accept gifts and donations for the enhancement of the [cemetery name].
3. VA appreciates the efforts of the Donor to enhance [cemetery name]. The Donor and those raising funds on its behalf shall have the right to distribute this OTD or portions of it, but because of restrictions imposed by Federal law, under no circumstances will any statement be made, either oral or written, that the fundraising efforts of the Donor are supported or endorsed by VA. Further, other than referencing this OTD or any subsequent written approvals of VA, VA specifically prohibits the Donor, or those raising funds on its behalf, from using VA's name, or the name of any employee or official of VA in any manner which would indicate that VA is a sponsor of, or participant in, the Donor's fundraising efforts.
4. To facilitate VA's review of the terms and conditions of the OTD, the Donor has submitted to VA a "Proposal to Donate a Non-Standardized Commemorative Work or Carillon at the [cemetery name]." The proposal represents a narrative and graphic description of the proposed enhancements which specifically identifies the location of, and the conceptual design of the enhancements. The enhancements will be strictly limited to the project identified below and portrayed in the "Proposal to Donate a Non-Standardized Commemorative Work or Carillon at the [cemetery name]" as revised [date] offered by the Donor, which is hereby incorporated as [Exhibit #] to this agreement.

OFFER TO DONATE. The enhancements will be limited as follows:

5. The intent is to create a design that will be both aesthetically pleasing and quietly comforting to its visitors.

6. The design shall be readily accessible to people with disabilities and shall conform to the requirements of the Architectural Barriers Act Accessibility Standards (ABAAS). If necessary, the existing memorial pathway would be extended in [direction/description].

7. Access to the proposed site will provide the visitor with a quiet place of unspoiled natural beauty for reflection and for receiving solace from both sight and sound. This proposal maximizes exposure to the peace and solace of the existing natural scene. The Donor intends to minimize visitor access to the site and architectural intrusion of the surrounding landscape.

8. That minimum architectural intrusion is designed to give the [cemetery name] project significant meaning, consistent with the purpose of VA [cemetery name] as a hallowed final resting place and national shrine in honor of those interred there. The symbolism in the design is subtle, heartfelt, inclusive, and contributes to the visitor's experience of the cemetery.

9. The final design of the enhancements shall adhere to the approved proposal concept as shown in [Exhibit #]. The Donor is responsible for producing a correct, complete, and fully coordinated set of drawings, design narrative, calculations, sample boards, and specifications for the successful completion of the project in accordance with professional practice standards and VA criteria.

10. The OTD will be submitted by an authorized official of the Donor, who will represent the Donor in all discussions with VA and have authority to commit the Donor and its donors to any final agreement reached with VA. The OTD must include a statement that funding is or will be available in an amount sufficient to cover the total cost of the enhancement project. In addition, the Donor must provide evidence that funds equal to [escrow amount] of the design and construction cost are in hand before a Notice to Proceed is issued to Donor's contractor.

11. The Donor shall hire, supervise, and pay the necessary professionals ("Professionals") to design, permit, and construct. The Donor shall require the Professionals to adhere to required VA professional standards for Architecture, Landscape Architecture, Engineering, access, liability, and workmanship.

12. The Donor, by and through its Professionals, shall provide the Government the opportunity for review, in accordance with the schedule outlined in [Exhibit #]. A minimum of two (2) submissions of design drawings for VA review are required – one (1) Design Development and one (1) Construction Document submission. Submissions shall generally meet the submission requirements for the stage of design as stated in in VA Program Guide PG-18-15, Volume D, A/E Submission Requirements for National Cemetery Projects (Dec 2011). The Government agrees to provide appropriate review and commentary to any of the submittals (required under Exhibit xx) by the Donor.

13. The Donor, its professionals, employees, guests, invitees, and licensees, shall be granted access to the site and a construction staging area, in accordance with the Staging Plan of the Approved Construction Drawings.

14. Donor shall require its professionals adhere to general standards of workmanship and workmanlike conduct, as required in the "Revocable License for Non-Federal Use of Real Property" [Revocable License] [Exhibit #]. Donor shall ensure through its contracting process with its Professionals that all warranties of workmanship and materials shall transfer to the Government upon acceptance of the donation.

15. The Donor shall design wayfinding and/or interpretive signage to match existing cemetery signage and VA NCA standards, and shall indicate locations on the site plan.

16. Each Construction Drawing shall bear the seal and signature of the registered professional architect, landscape architect, or engineer responsible for its design. Before the final contract documents are issued for construction, a principal of the design firm shall be required to provide a signed certification that all drawings and calculations have been properly signed and sealed by the appropriate individual for each discipline, in accordance with the rules and regulations of the local state licensing authority.

17. VA solely will determine whether acceptance of the OTD or any portion thereof, including concept, design drawings, and construction documents, is in VA's best interest.

18. Prior to the commencement of any project(s), the Donor shall obtain Commercial General Liability coverage for a minimum of \$1,000,000.00 and add the "United States of America and its assigns" as an additional insured, including all subcontractors and sub-consultants, prior to accessing the property and require a 30-day advanced written notice to VA in the event of cancellation. Liability Insurance shall remain in force until acceptance of the project(s). A copy of all insurance certificates shall be provided to the VA NCA Design and Construction Service Project Manager, who will keep the records as a part of the project file.

19. Prior to the commencement of any project(s), the Donor will obtain a Performance Bond in the amount of one-hundred percent (100%) and a Payment Bond in the amount of fifty percent (50%) of the contract price agreed upon between the Donor and its contractor, which bonds shall remain in effect for the duration of the project(s). The Donor will furnish the Performance Bond to the Under Secretary for Memorial Affairs, on behalf of VA, before VA will authorize the Donor to commence work at the [cemetery name].

20. Prior to the commencement of any project(s), the Donor will be responsible for funding the cost of an independent construction monitor working for VA for the duration of construction. The Donor shall establish an escrow account to accept, hold and request monies for VA to engage a Construction Monitor (VA Resident Engineer) to represent VA interests during construction, as outlined in the OTD. The amount held in the escrow shall be [escrow amount].

Prior to the commencement of any project(s), the Donor will provide the Under Secretary for Memorial Affairs, on behalf of VA, with a statement that the contractor(s) selected to perform the project(s) at the [cemetery name] is licensed, bonded and insured in amounts acceptable to VA.

21. Prior to the commencement of any project(s), the Donor will provide the Under Secretary for Memorial Affairs, on behalf of VA, with a statement that all necessary licenses, permits and approvals have been obtained from the various Federal (including but not limited to the US Army Corps of Engineers), state and local authorities, as applicable.

22. The Under Secretary for Memorial Affairs, or designee, or the Director, [cemetery name], as applicable, and the Donor will determine when work on the project(s) will commence to ensure a minimal adverse impact on the Cemetery. VA will issue a Revocable License to the Donor which will constitute permission to enter VA property and to commence work on the project(s). The Revocable License will remain in effect for the duration of the enhancement project(s).

23. All on-site contractor work shall be coordinated with the cemetery's ongoing grounds maintenance and burial operations, including funeral traffic and "quiet times" during interment services. Work shall interfere as little as possible with normal functioning of the cemetery, including operations of utility services, fire protection systems, and any existing equipment, and with work being done by others. Contractor personnel shall be required to adhere to standards of dress and conduct while performing work in the national cemetery. The contractor shall ensure that no contract work causes any funeral, ceremony, procession, or visitation to be delayed, altered, or otherwise impacted in such a way that the dignity, serenity, or security of the event is compromised. The contractor shall keep roads clear of construction materials, debris, standing construction equipment, and vehicles. The contractor shall perform a clean-up of the construction site at the close of construction work each day.

24. The Donor and its contractor are responsible for ensuring that all work is done in a manner that safeguards all VA employees and the public. The contractor shall be solely responsible for any and all actions of his/her employees, and shall take all responsible precautions necessary to protect persons and property from injury or damage. Furthermore, the contractor and his/her employees shall fully comply with all applicable Federal, State, County, and City Laws, ordinances, Right-to-Know laws, and EPA guidelines and regulations.

25. The Donor and its contractor are responsible for the prompt replacement of any contractor-damaged cemetery structure, feature or equipment, including but not limited to: turf, trees, plant beds, landscaping; walks; curbs and gutters; road pavement; headstones or markers; utility and service lines; valve boxes, grid monument control markers, irrigation lines and equipment, etc. Damage will be brought to the immediate attention of the designated Construction Monitor before any corrective action is taken. The contractor shall bear all costs associated with repair, replacement, and

reinstallation of damaged property to the satisfaction of the Under Secretary for Memorial Affairs, or designee.

26. The Under Secretary for Memorial Affairs, or designee, will monitor and inspect the work being performed on the project(s), to ensure it is proceeding in a timely manner and for compliance with the approved drawings and specifications previously approved by VA.

27. The Under Secretary for Memorial Affairs, or designee, will be the sole judge whether the project(s) is in full compliance with the approved plans and specifications. If the Under Secretary for Memorial Affairs, or designee, determines there are deficiencies of any kind in the work performed by the Donor, the Under Secretary for Memorial Affairs, or designee, will advise the Donor in writing of the deficiencies, which deficiencies must be remedied by the Donor within 15 working days of receipt of written notice.

28. Provided that the Donor materially complies with the terms of this Offer as outlined herein, the Government agrees that, upon fifteen (15) working days written notice of successful completion of the final inspection by NCA, including correction of all deficiencies (punch list items), by the Donor, the Government shall accept this donation in its entirety upon the terms and conditions contained herein. Once a project(s) has been accepted, any and all enhancements to the [cemetery name] will become property of VA, which will have sole responsibility for the control and disposition of the enhancements.

29. The Donor and the Government agree that this donation shall be on an "AS-IS/WHERE-IS" basis, with no warranties or guaranties whatsoever, either expressed or implied, on the part of the Donor except for the warranties of title to the Property. Upon acceptance of this donation by the Government, as evidenced by the Acceptance of Improvements to Real Property, Donor shall assign the warranties of its Professional Contractors to the Government and the Government agrees that it shall look only to the Professionals or related parties (other than the Donor) as to any liabilities or guaranty or warranty issue related to the Property. Each warranty shall extend for a minimum of one year from the date of substantial completion. The period of one year shall be extended with respect to the portions of work first performed after substantial completion by the period between substantial completion and the actual performance of the work. Each warranty shall require Professionals to correct any deficiencies promptly after written notice. The Government shall give such notice to the Donor and appropriate Professional promptly after discovery of the condition giving rise to any deficiency in the work.

30. The Donor will be responsible for maintenance of all improvements to the [cemetery name] undertaken by the Donor pursuant to this Offer to Donate for such special enhancements. The Donor agrees to fund an endowment in the amount of 10% of the cost to construct the project, and to generate the income required for annual maintenance and other such improvements.

31. Within thirty (30) days after acceptance of the donation by the Government, the Donor shall donate an endowment for maintenance and repair work to the [cemetery name], in an amount equal to [endowment amount]. This endowment shall be deposited with a public foundation of Donor's choice, such as the [fund name], to handle the investment and administrative functions of the donation in cooperation with the needs of the Government for required maintenance or repair work, if any, based on mutually agreed upon guidelines. Such guidelines shall be evidenced in a document to be signed by the Government, the Donor, and the depository foundation, prior to the Donor's obligation to deposit such funds.

EFFECTIVE DATE, TOTALITY OF AGREEMENT, AMENDMENT, TERMINATION

32. This OTD becomes effective on the date of the later signature below.

33. The OTD represents and contains the entire and only agreement and understanding among the parties with respect to the subject matter of the OTD, and supersedes any and all prior and contemporaneous oral and written agreements, understandings, representations, inducements, promises, warranties, and conditions among the Donor and VA. No agreement, understanding, representation, inducement, promise, warranty or condition of any kind with respect to the subject matter of this Offer to Donate shall be relied upon unless expressly incorporated herein.

34. This OTD shall be binding on, and inure to the benefit of the successors, assigns, and heirs of the Donor and VA. Nothing in the OTD, expressed or implied, is intended to confer upon any person or entity other than the Donor or VA or their respective successors and assigns any rights or benefits under or by reason of this OTD, except as provided herein.

35. This OTD will remain in effect unless amended, modified or superseded. Additions, deletions or changes shall be made in writing and signed by the signatories or their designated representatives.

TERMS AND CONDITIONS OF ACCEPTANCE BY NCA OF A DONATED ITEM

36. The acceptance of the gift or donated item by the National Cemetery Administration (NCA) is subject to the provisions of 38 U.S.C. § 2407.

37. Title to the donated item passes to, and is vested in, the United States, and the donor relinquishes all control over the future use or disposition of the gift or donation.

38. The donor is responsible for all costs related to design and acquisition, transporting, installing, and finishing the installation of the donation.

39. The donor is responsible for all costs for repairs related to damage to cemetery features and infrastructure caused by the installation of the donated item including, but not limited to: turf and landscaping; walks; curb and gutter; street paving; and utility and service lines.

40. The design plans and exact location for placement of the donation must be approved by the Cemetery Director.

41. All actions associated with installation and dedication of donated items will be approved in advance by the Cemetery Director.

42. NCA will provide reasonable care and maintenance of the donated item and accountability of the gift. NCA will not be responsible for replacing any non-standardized commemorative work or carillon that is stolen or destroyed (entirely or in part) by acts of nature.

IN WITNESS WHEREOF, THE DONOR and VA have executed this OTD this ____ day of _____ [year].

DEPARTMENT OF VETERANS AFFAIRS

[Name]
Under Secretary for Memorial Affairs

Date

DONOR

[Donor Representative Name]
[Title, if any]

Date

APPENDIX H – Sample Maintenance Endowment Agreement

This Agreement to establish an endowment to fund the defined maintenance and repairs of donated [non-standardized commemorative work OR carillon] (the "Agreement") is made by and between the National Cemetery Administration (NCA) of the United States of America, by and through its duly authorized representative, and the _____, a public foundation with an address of _____ and is dated as set forth below.

Recitals

WHEREAS, NCA and [Donor] entered into an Offer to Donate Agreement pursuant to which [Donor] will be donating to [cemetery name] of the NCA;

WHEREAS, [Donor] desires for [cemetery name] to remain as pristine and special into the future as on the day the donation was made;

WHEREAS, [Donor] desires to provide funding for the perpetual maintenance of [cemetery name] so that the structure will forever reflect the honor and dignity of a national cemetery;

WHEREAS, NCA desires that [Donor] establish an endowment so that the costs associated with the maintenance and repairs of the [non-standardized commemorative work or carillon] due to wear, tear and use will be covered by the private sector rather than any taxpayer dollars;

WHEREAS, [Donor] desires to establish an endowment, using private sector funds, for funding repairs and maintenance of the [non-standardized commemorative work or carillon]. This endowment shall be known as the "Maintenance Endowment", the distribution of which shall be used for the maintenance and repairs of [cemetery name] due to wear, tear and use and shall be established at the _____;

WHEREAS, NCA and [Donor] desire to establish the terms and conditions upon which the Maintenance Endowment will be funded, accessed and disbursed;

NOW, THEREFORE, in consideration of the mutual promises, covenants and consideration contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Purpose.** The Donor shall donate an amount equal to [endowment amount] for the purpose of creating an endowment to provide funding for: (1) Maintenance of [donated item] at [cemetery name]. This endowment shall be established at _____ which shall handle the investment and administrative functions of the donation. _____ shall cooperate with the National Cemetery Administration to schedule and perform required maintenance or premeditative work, if any, based upon mutually agreed upon guidelines, including without limitation those guidelines set forth in this document.

2. **Goals.** The Donor desires to provide financial sustainability in perpetuity for the Maintenance of [cemetery name]'s structure and infrastructure and intends that the Maintenance be funded from the Distribution Policy Amount rather than any taxpayer dollars. Accordingly, the endowment set forth in Section 2 of this Agreement shall be established as a True Endowment.

3. **Donor's Responsibilities.** The Donor shall provide principal endowment funds of not less than [amount]. _____ Endowment Agreement.

4. **NCA's Responsibilities.** Subject to the availability of appropriations, NCA will maintain _____ in accordance with applicable Federal guidelines for maintenance of the Property and conduct annual and routine assessments of structures and art components to determine the needs for repairs and maintenance. The liability, if any, of the United States for injury or loss of property, or personal injury or death shall be governed exclusively by the provisions of the Federal Tort Claims Act (28 USC 2671-2680).

5. **Escrow Agent's Responsibilities.** [name of Donor's Escrow Agent] will act as the Escrow Agent for invest the endowment funds within two (2) business days following receipt from the Donor. [name of Donor's Escrow Agent] shall manage the investment of the endowment funds in accordance with [laws].

6. **Responsibilities of CM's Engaged by Donor.** Donor will ensure that any CM retained by Donor pursuant to this Agreement will undertake the following responsibilities: [responsibilities].

7. **Process/Procedures.** The Cemetery Director shall routinely inspect structures and request necessary maintenance and repairs through the following process and procedures:

a. Requests for Maintenance shall set forth a written justification for the maintenance and repairs requested and a detailed project description which shall include the specific maintenance and repairs that are needed, an explanation as to why they are needed and when they are needed. Each request for maintenance and repairs needs to be fully descriptive of what is being requested, such as linear feet of surface or square footage. Planning for said maintenance and repairs shall allow for a total of one (1) year for award and completion unless such request is an emergency.

8. **Assignment.** _____ will not assign, transfer or subcontract its obligations under this Agreement without the prior written consent of Cemetery Director.

9. **Dispute Resolution.** Resolution of any dispute, claim, question, or disagreement arising from or relating to this Agreement between Donor and _____ shall be governed by the provisions in this section.

a. Donor and VA acknowledge and agree that disputes under this Lease shall be resolved under the Contract Disputes Act of 1978 (41 U.S.C. Sec. 601 613) (the "Disputes Act"), and that all parties will utilize Alternative Dispute Resolution

procedures on all matters appealed by Lessee to the VA Board of Contract Appeals (including its successor, the Civilian Board of Contract Appeals, effective January 6, 2007, and any successor authority thereto), to the extent permitted under the Disputes Act, unless the parties then should otherwise agree.

b. In the event that the Disputes Act is not available or permissible under applicable law to resolve a dispute under this Lease, VA and the Donor shall, to the extent permitted by applicable law and regulation, resolve the dispute by mediation. In that regard, the mediation shall take place in Washington, D.C. unless the parties otherwise agree in writing.

[Donor/Endowment Manager may insert any dispute resolution terms here, provided they do not include VA]

10. **Jurisdiction.** Jurisdiction and venue shall properly and exclusively lie in the _____ with respect to any court proceeding arising from this Agreement between Donor and _____. The mailing of any process shall constitute valid and lawful process against the undersigned, and the undersigned agrees to bring all court proceedings arising under this Agreement only in the Court listed above.

11. **Governing Law.** This Agreement with respect to all matters between Donor and _____ will be construed and enforced according to Federal Regulations.

12. **Attorneys' Fees and Costs.** There will be no recovery of fees or costs for mediation. The prevailing party in any court action or proceeding between Donor and _____ shall be entitled to receive from the losing party all costs and expenses, including reasonable attorneys' fees, incurred by the prevailing party in connection with such action or proceeding. In any action or proceeding in which NCA or any other Federal Government entity is a party, legal fees and costs shall be recoverable from the United States only to the extent provided by Federal law.

13. **Headings.** The headings contained in this Agreement are for reference purposes only and shall not affect the meaning or interpretation of this Agreement.

14. **Waiver of Breach.** The waiver by either party of a breach of any of the provisions of this Agreement by the other party shall not be construed as a waiver of any subsequent breach by the breaching party.

15. **Construction.** This Agreement has been jointly drafted based on input from representatives of all parties and no party shall be considered as being responsible for such drafting for the purpose of applying any rule to construe ambiguities against the drafter or otherwise. Unless the context requires otherwise, singular nouns and pronouns used herein shall be deemed to include the plural, and pronouns of one gender shall be deemed to include the equivalent pronoun of the other gender.

16. **Entire Agreement.** This Agreement, including any exhibits and schedules

attached to or specifically referenced in this Agreement, constitutes the entire agreement among the parties and supersedes all previous agreements in this matter. There are no other written or oral agreements, representations or understandings with respect to the subject matter of this Agreement. This Agreement and its terms may be amended, modified, or waived only by written agreement, signed by all parties.

17. **Execution of Agreement.** This Agreement may be executed in counterpart and by facsimile.

Signed, sealed and delivered this ____ day of _____, [year].

WITNESSES:

[WITNESS SIGNATURE]

[DONOR SIGNATURE]

[WITNESS PRINT NAME]

[DONOR PRINT NAME]

STATE OF [state name]
COUNTY OF [county name]

The foregoing instrument was acknowledged before me this ____ day of _____, [year], by [name, title] of [Donor].

[SIGNATURE]

Notary Public

My commission expires: _____

Personally known _____

Produced Identification _____

Type of identification produced _____

WITNESSES:

The NATIONAL CEMETERY
ADMINISTRATION, for and on behalf of
The DEPARTMENT OF VETERANS
AFFAIRS

[WITNESS SIGNATURE]

[SIGNATURE]

Under Secretary for Memorial Affairs

[PRINT WITNESS NAME]

[WITNESS SIGNATURE]

[WITNESS PRINT NAME]

DISTRICT OF COLUMBIA

The foregoing instrument was acknowledged before me this ____ day of _____, [year], by [name], Under Secretary for Memorial Affairs, the Department of Veterans Affairs

**APPENDIX I – Sample Approval Letter – Donation of a Non-Standardized
Commemorative Work or Carillon**

[Include VA seal and USMA letterhead.]

[Date]

[Donor or POC Name]

[Title, if any]

[Street Address]

[City, State, Zip code]

Dear [Donor or POC name]:

Your request [OR The request, on behalf of the [Donor name]], to erect a [non-standardized commemorative work OR carillon] in [National Cemetery name] is approved. The documents and drawings you submitted meet National Cemetery Administration requirements for a [non-standardized commemorative work OR carillon].

We are privileged that your organization has selected [Cemetery name] as the site for a memorial honoring those who served in the [Name of group being honored].

We look forward to hearing from the [Contractor Name] is ready to begin construction of the [non-standardized commemorative work OR carillon]. If I may be of further assistance I can be reached at [phone number], or by e-mail at cemetery director]@va.gov.

Sincerely,

[NAME]

Under Secretary for Memorial Affairs

cc: District Executive Director

**APPENDIX J – Sample Disapproval Letter – Donation of a Non-Standardized
Commemorative Work or Carillon**

[Include VA seal and relevant National Cemetery letterhead.]

[Date]

[Donor or POC Name]

[Title, if any]

[Street Address]

[City, State, Zip code]

Dear [Donor or POC name]:

Thank you for your offer on behalf of the [Donor name], to donate a [non-standardized commemorative work OR carillon] that was proposed to be erected at [cemetery name]. I am writing to inform you that your request was not approved.

[Insert reasons and bases for the disapproval: donation failed to meet design specifications, OR proposed donation does not honor military service in the US Armed Forces by groups or organizations, etc.]

I regret that we cannot accommodate your request. If you have any questions, please contact me at [phone number], or by e-mail at [Cemetery Director]@va.gov.

Sincerely,

[Name]

Executive Director, Cemetery Operations

cc: District Executive Director

APPENDIX K – Sample Contractor Certification of Liability Insurance for a Non-Standardized Commemorative Work or Carillon

I certify that _____ on _____:
Name of Company Date

- a. Our company complies with applicable Federal and State Worker Compensation and occupational disease studies; and
- b. Our company has current Bodily Injury Liability Insurance coverage written on the comprehensive form of policy of at least <amount> per occurrence with _____; and
Name of Insurance Company
- c. Our company has current Property Damage Liability insurance coverage of at least [amount] with _____.
Name of Insurance Company

Printed Name of Company Official

Title

Signature of Company Official

Date

Street Address

City/State/Zip Code

Telephone Number

APPENDIX L – Sample Acceptance of Improvements to Real Property

[DATE]

Reference is hereby made to that certain Offer to Donate (that "Offer"), made as of the ____ day of _____, [year], by and between _____, a [charitable trust OR public charity], constituted in _____, with an address _____, (the "Donor") and the UNITED STATES OF AMERICA, FOR AND ON BEHALF OF THE DEPARTMENT OF VETERANS AFFAIRS, (together with its assign(s), "**Government**"), with an address of 810 Vermont Avenue, N.W., Washington, DC 20420.

The donation is hereby accepted for and on behalf of the Government, subject to the attached "Punch List", which is incorporated herein by reference.

[NAME]

Under Secretary for Memorial Affairs

Notice of Acceptance shall be sent to:

[Donor or POC Name]

[Title, if any]

[Street Address]

[City, State, Zip code]

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgements, personally appeared _____, as authorized signatory of the Government, known to me or satisfactorily proven to be the person described in and who executed the foregoing instrument and acknowledged before me that he/she executed the same.

WITNESS my hand and official seal in the county and state last aforesaid, this ____ day of _____, [year].

[NAME]

Notary Public

My commission expires:_____

Personally known_____

Produced Identification_____

Type of identification produced_____

_____, a [charitable trust OR public charity], hereby agrees and covenants that any items remaining on the attached Punch List shall be completed by its General Contractor on or before _____, [year]. The Offer to Donate shall further remain in full force and effect until the punch list has been completed and the General Contractor shall have removed all of its equipment, to include but not limited to construction trailers, construction equipment and debris, etc. Further, the staging area shall be restored to the conditions existing prior to the commencement of construction.

[DONOR NAME]

[DONOR TITLE]

STATE OF [state name]

COUNTY OF [county name]

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgements, personally appeared _____, as authorized signatory of the Government, known to me or satisfactorily proven to be the person described in and who executed the foregoing instrument and acknowledged before me that he/she executed the same.

WITNESS my hand and official seal in the county and state last aforesaid, this ____ day of _____, [year].

[NAME]

Notary Public

My commission expires: _____

Personally known _____

Produced Identification _____

Type of identification produced _____

APPENDIX M – Sample Deed of Gift Form for Donation of Heritage Asset

[Use Donor Letterhead or Donor Name]

DEED OF GIFT FORM

I wish to convey my ownership of certain historical materials, described below, to the National Cemetery Administration (NCA), Department of Veterans Affairs (VA), for the purposes of preservation, research, and education. By signing below, I hereby grant and convey to the NCA unrestricted title and all physical, custodial, literary, and copyrights that I may have to the historical materials herein described. NCA, its successors or assignees, may scan, duplicate, reformat, preserve, publish, and distribute images of these materials in any format they deem appropriate.

Description of materials being donated:

<u>Quantity</u>	<u>Description</u>	<u>Subject(s)</u>	<u>Date/Range</u>
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[Please insert requested information under headings shown above]

Donor Signature_____
NCA Recipient Signature_____
Donor Name (please print)_____
NCA Recipient (please print)_____
Date_____
Date_____
Donor's Street Address_____
City/State/Zip code

Appendix N – New Monument or Carillon Report

Within thirty (30) days of the installation of an approved non-standardized commemorative work or carillon, Cemetery Directors must complete this form and send it with all associated documents to the NCA History Program (44D). The required information for the report is shown below; the fillable form is located on the NCA intranet at: http://vaww.nca.va.gov/docs/history_prog/NewMemorialReport.pdf

<input type="button" value="Submit by Email"/> <input type="button" value="Print Form"/>	
National Cemetery Administration NEW MONUMENT or CARILLON REPORT	
Complete form and forward, along with other requested materials, within 30 days of installation.	
Cemetery Name <input style="width: 150px;" type="text"/>	Station No. <input style="width: 80px;" type="text"/>
Monument Name or Carillon <input style="width: 250px;" type="text"/>	
Date Installed <input style="width: 100px;" type="text"/>	Date Dedicated <input style="width: 100px;" type="text"/>
Donor Name <input style="width: 250px;" type="text"/>	
Cost <input style="width: 80px;" type="text"/>	Dimensions (H x W x D) <input style="width: 150px;" type="text"/>
Material(s) <input style="width: 250px;" type="text"/>	
Artist/Designer/Manufacturer <input style="width: 250px;" type="text"/>	
Location in cemetery (e.g. grave section, road, memorial walkway) <input style="width: 200px;" type="text"/>	
Inscription(s) <div style="border: 1px solid black; height: 80px; width: 100%; margin-top: 5px;"></div>	
<small>Submit a minimum of three (3) digital photographs of the monument/carillon to show all sides and inscriptions (carillons and monuments other than standard ones will require a greater number of photographs to adequately address entire object); copies of dedication ceremony announcements; media coverage; plans or related documentation. Digital images should be 1600x1200 pixels at 180 ppi (pixels per inch) or larger.</small>	
<div style="border: 1px solid black; height: 20px; width: 150px; margin-top: 10px;"></div> Signature of Cemetery Director	<div style="border: 1px solid black; height: 20px; width: 100px; margin-top: 10px;"></div> Date
<small>Copies: Send via email to NCAHistoryProgramMailbox@va.gov Retain a copy at the cemetery for your permanent files Send District office a copy</small>	
<small>For questions, please contact Jennifer Perunko, Historian, at 202/632-5441 or jennifer.perunko@va.gov</small>	
<small>Created 8/1/2018</small>	

Appendix O – National Cemeteries with Grandfathered Monuments Displaying Individual Names

The following VA national cemeteries have monuments or memorials that include individual names based on the original acceptance agreement or other unique circumstances that existed at the time the monuments were proposed. NCA will allow inscriptions of additional individual names only at these locations for these monuments. Donor requests to add inscriptions on the monuments listed below must be documented in writing and forwarded to the responsible District office for review and approval.

1. The following three monuments/memorials are located within VA national cemeteries and owned and maintained by VA/NCA.

a. Gerald B.H. Solomon, Saratoga National Cemetery: 2001 dedication of granite memorial consisting of an obelisk with the names of deceased Veterans from Saratoga County inscribed on two granite slabs.

b. Riverside National Cemetery: 1999 dedication of the Medal of Honor (MOH) Memorial that includes the names of all MOH recipients. This memorial was designated as a National Medal of Honor site in the “National Medal of Honor Memorial Act,” October 28, 1999 (Public Law 106-83).

c. Willamette National Cemetery: 1996 dedication of the Oregon Korean War Veterans Memorial includes the names of Oregon servicemen and women who served in that conflict.

2. The following two monuments/memorials are located within VA national cemeteries, but owned and maintained by external entities.

a. Indiantown Gap National Cemetery: 2001 dedication of the Pennsylvania Veterans’ Memorial honors Veterans of all eras. The memorial is maintained by the Pennsylvania Department of Military and Veterans Affairs. Requests to add names to the memorial should be referred to that organization.

b. National Memorial Cemetery of the Pacific: 1966 dedication that includes names of American World War II missing from the Pacific, Korean War, and Vietnam War. The memorial is maintained by the American Battle Monuments Commission.